

1
2 IN THE DISTRICT COURT OF THE UNITED STATES
3 DISTRICT OF SOUTH CAROLINA
4 CHARLESTON DIVISION

5 UNITED STATES OF AMERICA,) 2:15-CR-472
6)
7 Plaintiff)
8)
VS)
9 South Carolina
10 November 22, 2016
11)
12)
13 DYLANN STORM ROOF,)
14)
15 Defendant)
16

17 REDACTED PARTIAL TRANSCRIPT OF COMPETENCY HEARING
18 BEFORE THE HONORABLE RICHARD M. GERGEL,
19 UNITED STATES DISTRICT JUDGE

20 APPEARANCES:

21 For the Plaintiff: JULIUS NESS RICHARDSON
22 Assistant United States Attorney
23 1441 Main Street
24 Suite 500
25 Columbia, SC 29201

26 STEPHEN CURRAN
27 U.S. Department of Justice
28 Civil Rights Division
29 601 D Street NW
30 Patrick Henry Building
31 Room 5808
32 Washington DC 20004

33 NATHAN STUART WILLIAMS
34 Assistant U.S. Attorney
35 U.S. Attorney's Office
36 P.O. Box 876
37 Charleston, SC 29401

38 RICHARD E. BURNS
39 Assistant U.S. Attorney
40 U.S. Department of Justice
41 1331 F Street NW, Suite 625
42 Washington, DC 20530

For the Defendant: DAVID I. BRUCK, ESQ.
Virginia Capital Case Clearinghouse
Washington and Lee School of Law
Charleston, SC 29402

KIMBERLY STEVENS, ESQ.
1070 I Tunnel Road
Suite 10-215
Asheville, NC 28805

SARAH S. GANNETT
Assistant Federal Public Defender
Arizona Federal Public
Defender's Office
850 West Adams Street, Suite 201
Phoenix, Arizona 85007

EMILY PAAVOLA, ESQ.
Justice 360
900 Elmwood Avenue, Suite 101
Columbia, South Carolina 29201

* * *

Court Reporter: Amy C. Diaz, RPR, CRR
P.O. Box 835
Charleston, SC 29402

Proceedings recorded by mechanical shorthand,
Transcript produced by computer-aided transcription.

1 THE COURT: Mr. Roof, I'm going to ask you to come
2 to the podium for just a moment. I want to have a
3 conversation with you if I could, sir.

4 EXAMINATION

5 BY THE COURT:

6 Q. ***** (Redaction).

7 I take no position regarding whether you plead
8 guilty -- you should plead guilty or not guilty, but I want
9 to make sure you understand your legal rights and make a
10 knowing and intelligent decision regarding the exercise of
11 those rights. So with that, I want to explain to you
12 that as a defendant in a criminal case, you have the right to
13 plead guilty and you have the right to plead not guilty to
14 any charge. You are not prohibited from pleading guilty
15 because one or more of the charges carries a potential
16 sentence of death.

17 The decision to plead guilty or the decision to
18 plead not guilty is a decision of the defendant and not his
19 attorney; however, I urge you to consider carefully the
20 advice of your attorneys regarding your plea because there
21 are many consequences which flow from pleading guilty, and
22 your attorneys have considerable experience in this area.

23 Also, I want you to understand that if you plead
24 guilty, there will be a jury trial regarding the proper
25 sentence to be imposed. If you plead not guilty and are

1 convicted by the jury on one or more charges that carries a
2 death penalty, there will be a jury trial regarding your
3 sentence, as well. In other words, a plea of guilty does not
4 avoid a jury trial on whether the death penalty will be
5 imposed.

6 Now that I've provided you that information, let me
7 ask you a few questions: Number one, do you understand that
8 you have presently pled not guilty to the charges against
9 you? Do you understand that?

10 A. Yes.

11 Q. Do you understand that you have the right to plead not
12 guilty and the right to plead guilty? Do you understand
13 that?

14 A. Yes.

15 Q. Do you understand that the decision regarding what plea
16 will be entered is your decision to make?

17 A. Yes.

18 Q. Have you had a chance to consult with your lawyers
19 regarding your plea?

20 A. Yes.

21 Q. Have you given your attorneys' advice careful
22 consideration?

23 A. No.

24 Q. And why is that?

25 A. I haven't really been thinking about it.

1 Q. Okay.

A. They did talk to me about it sometime recently.

3 Q. Okay. Do you understand that if you plead guilty, you
4 will -- you will still have a jury trial on whether the death
5 penalty will be imposed, you understand that?

6 A. Yes.

7 Q. Knowing all of these factors, do you have a present
8 desire to maintain your plea of not guilty or to change your
9 plea?

10 A. Maintain it.

11 Q. I'm sorry?

12 A. Maintain it.

Q. You would like to maintain your plea of not guilty?

14 A. Yes.

15 Q. Very good.

16 THE COURT: Okay. With that, you may return to your
17 seat.

With that, the matter will be adjourned.

1

2 I certify that the foregoing is a correct transcript from the
3 record of proceedings in the above-titled matter.

4

5

6

7 -----

8

9 Amy C. Diaz, RPR, CRR

December 1, 2016

10 S/ Amy Diaz

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25